

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

**Minutes**  
May 7, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, May 7, 2010 from 12:00 noon until 3:25 p.m.

1. Members present. Vicki L. Carmichael, Gary K. Chavers, Richard A. Dailey, Deborah A. Domine, Roger L. Duvall, James D. Humphrey, Marilyn A. Moores, Lori K. Morgan, Peter J. Nemeth, G. George Pancol, Stephen M. Sims, Carl H. Taul, and Loretta H. Rush, Chair
2. Staff present. Jane Seigel, Jeffrey Bercovitz, Anne Jordan, and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on March 5, 2010 were approved.
4. Guests present. Jason McManus, Assistant Deputy Director, Probation Services, Department of Child Services (DCS); John Ryan, General Counsel, DCS; and Jeff Lozer, Chief Counsel, DCS; Judge Steven Nation; Ashley Barnett, Youth Division Director and Mary Murdock, Deputy Director, Indiana Criminal Justice Institute; were also present.
5. Draft Emergency Shelter Care Policy. Magistrate Chavers and Magistrate Domine distributed a draft emergency shelter care policy to the committee. Committee members agreed by consensus to remove the “7 days,” agreed to the change “30 days” to 30 days without an additional hearing, and that shelter care should not be used lieu of detention. It will be revised and distributed at the next meeting for review.
6. Probation department consolidation.
  - a. Jane Seigel reported a policy on consolidation of probation departments was distributed to the Board of Directors of the Judicial Conference of Indiana for review. Comments so far have included a discussion of an accommodation for probation departments serving in Ohio and Dearborn counties since there is a joint court for this county and the recognition of the St. Joseph Probate Court.
  - b. Judge Sims moved to adopt the following motion: Counties in which the circuit, probate, or superior court has established a separate juvenile probation department as of October 1, 2010 may elect to operate a unified or consolidated adult probation department and a unified or consolidated juvenile probation department. Judge Carmichael seconded the motion. The motion was passed.
7. Videoconferencing in juvenile cases. Judge Moores indicated Rule 14 (B) contemplates videoconference equipment permit counsel will be present in person with the party not in court, which may be an incarcerated parent, and be able to confer privately with the party outside the reach of the camera and microphone. However, it is not possible for most courts to fund the public defenders traveling to meet with their incarcerated parents and administer their caseload. After committee discussion, she agreed to draft a rule in this area. The Judicial Center will circulate the draft rule to the committee for review at their next meeting.

8. Use of benchbook orders. Jane reviewed the correspondence distributed by the Judicial Center about the use by courts of juvenile benchbook orders in delinquency cases, since they have all the necessary language for state and federal reimbursements. She noted a comment that there needs to be some good faith or good cause exception when there is an inadvertent error in the order. Otherwise, a county may be charged for a placement. She agreed to work on some proposed language for use by courts and DCS when an error of this nature occurs.
9. Presentation by DCS.
- a. Jeff Lozer reported DCS will begin review every six (6) months of all “stuck” cases where permanency is not being achieved. The six months is based on the filing of the TPR petition. Information on these cases will be shared with the courts after DCS reviews the data. He also reported DCS will begin review of all CHINS cases at six (6) months after disposition at a “legal staffing.” Committee members indicated delinquency cases should be reviewed for permanency purposes. Some members wondered if the review should occur at three (3) months. In addition, committee members agreed DCS should watch when parental rights are terminated in delinquency cases, and the services provided to delinquents to achieve permanency, including adoption.
  - b. Jeffrey Bercovitz distributed a draft DCS policy brief on kinship care. Committee members agreed to review it and discuss it at the next meeting.
  - c. Jason McManus reported the use of juvenile benchbook orders is going well. There are some problems with QUEST counties which should be cleared up soon.
  - d. Jason McManus reported Maximus has recently advised DCS the language in the “pick-up” order may need to include Title IV-E language. He agreed to work with Jane to look at this area and prepare information for review at the next meeting.
  - e. Jason McManus reported three (3) different letters went to various juvenile courts recently outlining common errors in orders and/or the input of the appropriate data by probation. Committee members stated the letters needed to be specific to the errors in orders from a particular county.
    - (1) Committee requested DCS review errors on a county or regional basis with the court and probation;
    - (2) Judge Rush requested DCS immediately notify each county of non-compliance with requirements with HB 1001 so the county is placed on notice and can make corrective action;
    - (3) In instances when an error in Title IV-E data required is corrected by a call from the Central Eligibility Unit to a probation department, a compilation of the corrections could be kept for training purposes; and
    - (4) information could be shared where data entry is being done correctly and in an expeditious manner.
  - f. There was a discussion that DCS may no longer be preparing orders in CHINS cases. Committee members stated (1) this gives DCS an opportunity to get the orders correct, (2) local rules may require the parties to submit proposed orders in civil cases, (3) courts which administer other dockets may not have the time to draft all orders for the parties, and (4) some courts would have to mandate the county for funds to hire additional staff to get these orders prepared. The DCS agreed to bring this issue back to the committee for further discussion at the next meeting after review of potential implications of this change by Jane Seigel and Jason McManus.

10. Presentation by Judge Nation. Judge Nation discussed HEA 1419 from 2009, which requires the Indiana Department of Education to provide rules on positive behavior intervention and support programs. He wanted to give juvenile court judges notice on the implementation of this new law and distributed the statute and draft materials. Committee members agreed to distribute a packet of information at the juvenile judges' conference in June and Jane agreed to make an announcement about it as well.

11. Presentation by ICJI. Ashley Barnett distributed a powerpoint presentation on the Disproportionate Minority Contact program at the Indiana Criminal Justice Institute. She reported on Indiana's efforts to plan to remain in compliance with the OJJDP mandates in this area and data collection efforts.

12. Barriers to permanency. Committee members discussed briefly barriers to permanency including:

- a. children and parents with mental health issues;
- b. lack of adoptive families;
- c. lack of adoption subsidy money;
- d. permanency planning needed for delinquents when probation is not used to thinking about a delinquency case from a permanency planning perspective;
- e. failed guardianships after CHINS cases; and
- f. problems with long waiting lists for the Bureau of Developmental Disabilities services for children with disabilities aging out of the system.

13. Next meeting dates. Committee members agreed to meet again on Friday, June 4, October 8 and November 5, 2010 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Services